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3 **UNITED STATES DISTRICT COURT**  
4 **NORTHERN DISTRICT OF CALIFORNIA**  
5

6 **CISCO SYSTEMS, INC., ET AL.,**

7 Plaintiffs,

8 vs.

9 **ZAHID HASSAN SHEIKH, ET AL.,**

10 Defendants.  
11

CASE NO. 18-cv-07602-YGR

**ORDER RE: MOTION TO DISMISS THIRD  
PARTY COMPLAINT & STRIKE MOTION  
FOR ATTORNEY'S FEES**

Re: Dkt. No. 43

12 On June 11, 2019, the Court heard oral argument on third-party defendants' motion to  
13 dismiss third-party complaint filed by defendant/third-party plaintiff Advanced Digital Solutions  
14 International, Inc. ("ADSI") (*see* Dkt. No. 52), which was fully briefed. (Dkt. Nos. 43, 50, 51.)  
15 As stated on the record, and confirmed herein, having carefully considered the briefing and  
16 arguments submitted in this matter, third-party defendants' motion to dismiss is **GRANTED IN**  
17 **PART** and **DENIED IN PART** as described below:

- 18 1. With respect to ADSI's claim for indemnity from plaintiff Cisco System, Inc. ("Cisco's")  
19 Lanham Act claim, the Court **GRANTS** third-party defendants' motion and **DISMISSES** this  
20 claim with prejudice;  
21 2. with respect to ADSI's claim for indemnity from Cisco's UCL claim, the Court **GRANTS**  
22 third-party defendants' motion as it applies to any UCL claim only to the extent that such a  
23 claim is based upon a Lanham Act violation and **DISMISSES** that claim with prejudice;  
24 however the Court **DENIES** third-party defendants' motion as it applies to any other UCL  
25 claim; and  
26 3. with respect to ADSI's claim for indemnity from Cisco's unjust enrichment claim, the  
27 Court **DENIES** third-party defendants' motion.


28 Finally, the Court **DENIES** third-party defendants' motion to strike the motion for attorney's fees.

1 Accordingly, and as noted on the record, third-party defendants **SHALL** file an answer to  
2 ADSI's third-party complaint by no later than **June 28, 2019**. Moreover, the Court **SETS** a further  
3 case management conference for **Monday, July 8, 2019** on the Court's **2:00 p.m.** calendar. By no  
4 later than **June 28, 2019**, third-party defendants shall file a statement notifying the Court whether  
5 they would like to discuss adjustments to the current schedule and therefore would like the July 3  
6 case management conference to take place. Parties to file a joint statement, by no later than  
7 **Wednesday, July 3, 2019**, as to the issues and topics to be discussed at the July 8 conference.

8 This Order terminates Docket Number 43.

9 **IT IS SO ORDERED.**

10  
11 Dated: June 14, 2019

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE